

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 703
Judiciary

(Delegate Embry)

Juvenile Law - Police Record Concerning a Child - Confidentiality Exception

This bill authorizes the Office of the Attorney General (OAG), with respect to an investigation conducted by OAG’s Independent Investigations Division (IID) of a police-involved incident resulting in the death or injury of the child, to release to the public (1) the name and age of a child and (2) photographs, video, or other visual depictions or descriptions of the incident. OAG must have the express consent of the child’s parent or guardian before releasing this information to the public.

Fiscal Summary

State Effect: The bill is procedural in nature and does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: IID is the primary investigative unit for police-involved incidents that result in the death of individuals or injuries likely to result in death.

In general, police and court records concerning a child are confidential, and their contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause. Statute specifies several circumstances where the access and use of these records is not affected by this prohibition.

A law enforcement agency is not prohibited from releasing to the public photographs and identifying information regarding (1) a missing child; (2) a child who has escaped from a juvenile detention facility, secure juvenile residential facility, or a correctional unit; or (3) a child who the court does not have jurisdiction over pursuant to specified statutory provisions and who is subject to arrest or an arrest warrant issued by a criminal court. The release of photographs and information under these circumstances may only be when necessary and for the sole purpose of facilitating apprehension of a child and ensuring public safety.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Kent, Montgomery, and Worcester counties; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Legislative Services

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